

CHAPTER NO. 869

SENATE BILL NO. 2985

By Trail, Cooper, Kyle, Burks, Person, Herron

Substituted for: House Bill No. 3027

By Kisber

AN ACT To amend Tennessee Code Annotated, Title 29, Chapter 13, Part 1, relative to criminal injuries compensation.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF TENNESSEE:

SECTION 1. Tennessee Code Annotated, Section 29-13-106(e), is amended by deleting the words and figures "eighteen thousand dollars (\$18,000)" and by substituting instead the words and figures "thirty thousand dollars (\$30,000)".

SECTION 2. Tennessee Code Annotated, Section 29-13-106, is amended by deleting subsection (h) in its entirety and by substituting instead the following:

(h) It is the intent of the General Assembly that the maximum award pursuant to § 29-13-106(e) equal no less than one hundred five percent (105%) of the national average of the maximum compensation award provided by the fifty (50) states within the United States, the District of Columbia and the United States Virgin Islands. No later than October 1 of each year, the Treasurer shall compare the maximum award limit for this program with the average of the maximum award limits of the other states, provided that the other states have a maximum award limit which is ascertainable or set in a manner similar to Tennessee's. In the event that any of the states or territories do not have an overall maximum award, the Treasurer shall eliminate that state or territory from comparison. If the Treasurer determines that the maximum is less than one hundred five percent (105%) of the national average, the Treasurer shall adjust the maximum award to an amount equal to one hundred five percent (105%) of the national average; provided, the maximum award shall be rounded up to the nearest one hundred dollars (\$100.00). Any adjustment made pursuant to this provision shall be effective on July 1 of the next fiscal year and shall apply to claims filed for crimes occurring on or after such date. The Treasurer shall make any adjustment to the maximum award by rule promulgated in accordance with the Uniform Administrative Procedures Act, compiled in Title 4, Chapter 5.

SECTION 3. Tennessee Code Annotated, Section 29-13-109(b)(2)(S), is hereby deleted.

SECTION 4. Tennessee Code Annotated, Section 29-13-118, is hereby deleted.

SECTION 5. Tennessee Code Annotated, Section 29-13-116, is amended by deleting the section in its entirety and by substituting instead the following:

29-13-116. (a) Funds available from the criminal injuries compensation fund, created under § 40-24-107, shall be expended to effectuate the provisions of this chapter, including all expenses to administer the Criminal Injuries Compensation Act of 1976.

(b) Use of available federal funds shall be specifically permitted to fund this program. In the event federal funds are made available to the state, the division is hereby authorized to comply with any additional requirements imposed by the federal government so long as compliance with such provisions is not prohibited by, or contrary to, the provisions of this chapter.

(c) The Treasurer is authorized to award an annual grant to the following:

(1) The District Attorneys General Conference for Domestic Violence and Drug Enforcement Program operations in an amount not to exceed that specified in the General Appropriations Act each fiscal year; and

(2) The organization created by Senate Bill No. 1072, House Bill No. 65 of the 102nd Tennessee General Assembly, if the same becomes law; provided, that the organization submits to the Treasurer a plan specifying the use of the moneys and such plan is approved by the Treasurer. The grant authorized in this subdivision shall not exceed one hundred thousand dollars (\$100,000) and is subject to authorization contained in the General Appropriations Act.

(d) Funds available in the criminal injuries compensation fund may be expended to effectuate the payment of DNA analysis under the provisions of § 40-30-413. Such payment shall be made only after receipt by the Treasurer of a certified copy of the order and only upon receipt of a bill from the laboratory that conducted the analysis. The bill shall set forth the name of the petitioner, the date the analysis was performed, the amount of the bill, and the name and address of the laboratory to which payment is to be made.

(e) In the event that the moneys in the criminal injuries compensation fund are inadequate to support the provisions of subdivisions (a) through (d), there is hereby appropriated a sum sufficient to support said expenditures.

SECTION 6. Tennessee Code Annotated, Section 29-13-106(a)(4), is amended by deleting the same in its entirety and by substituting instead the following:

(4) Reasonable out-of-pocket expenses incurred for cleaning supplies, equipment rental and labor needed to clean the scene of a homicide, sexual assault or aggravated assault, if the scene was the residence of the victim or a relative of the victim as defined in § 29-13-102(11). "Cleaning the scene" means to remove, or attempt to remove, from the crime scene blood, dirt, stains or other debris caused by the crime or the processing of the crime scene;

SECTION 7. Tennessee Code Annotated, Section 29-13-106(a)(7), is amended by deleting the same in its entirety and by substituting instead the following:

(7) The victim's reasonable moving expenses, storage fees and fees for transfer of utility service if the move is a direct result of an assault committed upon such victim at the victim's residence, provided that the victim shall not receive compensation for more than two (2) moves resulting from the assault; and

SECTION 8. Tennessee Code Annotated, Section 29-13-106(a), is amended by deleting the word "and" at the end of subdivision (6); by deleting the period at the end of subdivision (7) and substituting instead a semi-colon and the word "and"; and by adding the following language as a new subdivision to be designated as follows:

(8) Reasonable costs of cleaning, repairing or replacing eyeglasses and hearing aids owned by the victim that were damaged or destroyed by the crime or the processing of the crime scene, and the reasonable costs of repairing or replacing personal property owned by the victim or a relative of the victim as defined in § 29-13-102(11) that was damaged or destroyed in processing the scene of a homicide, sexual assault or aggravated assault if the scene was the residence of the victim or the relative of the victim who owned the property.

SECTION 9. Tennessee Code Annotated, Section 29-13-106, is amended by deleting the subsection (b) in its entirety and by substituting instead the following:

(b) In no case will any compensation be awarded for any damage to real or personal property, except as provided in subdivision (a)(8) of this section. For the purpose of this section, "dental devices", "artificial prosthetic devices" and "medically related devices" are not considered personal property.

SECTION 10. Tennessee Code Annotated, Section 29-13-107(4), is amended by deleting the words and figures "four thousand five hundred dollars (\$4,500)" and by substituting instead the words and figures "six thousand dollars (\$6,000)".


SECTION 11. Tennessee Code Annotated, Section 29-13-107, is amended by deleting the subsection (5) in its entirety and by substituting instead the following:

(5) Any award made for expenses under § 29-13-106(a)(4) shall not exceed three thousand dollars (\$3,000).

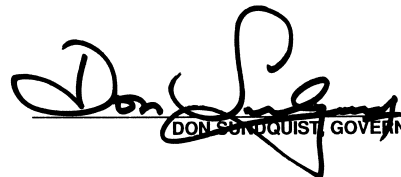
SECTION 12. The provisions of this act shall take effect August 1, 2002, the public welfare requiring it and shall apply to criminal acts committed on or after August 1, 2002.

PASSED: July 4, 2002


JOHN S. WILDER
SPEAKER OF THE SENATE


JIMMY NAIFEH, SPEAKER
HOUSE OF REPRESENTATIVES

APPROVED this 17th day of July 2002


DON SUNDQUIST, GOVERNOR